IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 10838 of 2007(M)

PETITIONER:

BAIJU MATHEW, S/O.P.M.MATHEW,
AGED 36 YEARS, PITTAPPILLIL HOUSE,
PERINGAZHA, PERUMBALLOOR P.O.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

1. KERALA FINANCIAL CORPORATION,
DIVISION OFFICE, REPRESENTED BY ITS
MANAGER, PERUMBALLOOR.

2. DISTRICT COLLECTOR, ERNAKULAM.

G.P. SHRI.I.V.PRAMOD.

BY ADV. SRI.P.PARAMESWARAN NAIR, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.10838 of 2007

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Dated this the 4th day of April, 2007

J U D G M E N T

Heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the 1st respondent and the learned Government Pleader for the 2nd respondent.

2. The 1st respondent admits that the entire amounts due to the Kerala Financial Corporation have already been paid. The petitioner's contention is that in spite of the same, title deeds of the properties belonging to the petitioner are not being returned to the petitioner. The contention raised by the counsel for the 1st respondent is that without endorsement from the Deputy Tahsildar (R.R.), the documents cannot be returned. However, the counsel for the 1st respondent has no case that the Deputy Tahsildar (R.R) has demanded any collection charges from the KFC or that they had

demanded any collection charges from the petitioner. Once the entire loan transaction is closed, the 1st respondent is bound to return the title deeds to the petitioner. Further, in respect of the collection charges, it is settled law that when the amounts are paid directly by the borrower to the KFC, the Government cannot insist on payment of collection charges.

3. In the above circumstances, this writ petition is allowed and the 1st respondent is directed to release the original documents and connected papers in the possession of the 1st respondent deposited at the time of obtaining the loan by the petitioner from the 1st respondent, which loan has already been settled, immediately on production of a certified copy of this judgment.

Writ petition is disposed of as above.

Sd/-
S.SIRI JAGAN, JUDGE

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///True copy///

P.A. to Judge.